

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

and

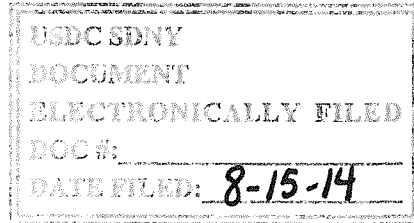
STATE OF NEW YORK,

*Plaintiffs,*

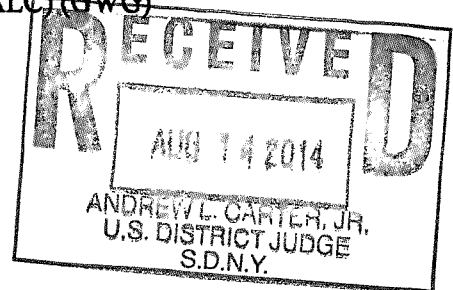
v.

TWIN AMERICA, LLC, *et al.*,

*Defendants.*



Civil Action No.  
12-cv-8989 (ALC) (GWG)



**THIRD AMENDED ORDER AND STIPULATION CONCERNING THE  
FILING OF A MOTION TO SEAL IN CONNECTION WITH  
SUMMARY JUDGMENT AND *DAUBERT* MOTIONS**

Plaintiffs United States of America and State of New York (collectively "Plaintiffs") and Defendants Coach USA, Inc., International Bus Services, Inc., Twin America, LLC, CitySights LLC, and City Sights Twin, LLC (collectively "Defendants"), through their undersigned counsel, hereby stipulate to, and respectfully request that the Court Order, the following procedures with respect to various filings related to Defendants' motion for summary judgment and *Daubert* motions:

1. This Stipulation does not modify the current schedule in the Fourth Amended Scheduling Order (ECF No. 53) (the "Scheduling Order").
2. To date, the Court has received unredacted copies of all papers relating to the Defendants' Motion for Summary Judgment (ECF No. 78), Defendants' Motion To Exclude Certain Expert Testimony Of Dr. Russell Pittman (ECF No. 76), Defendants' *Daubert* Motion To

Exclude The Testimony Of Guy Ben-Ishai (ECF No. 72), and Defendants' *Daubert* Motion To Exclude The Testimony Of Sumanta Ray (ECF No. 74).

3. On Monday, June 30, 2014, Defendants submitted a Motion for Leave to File Under Seal certain materials relating to the opening briefs and exhibits there. (ECF No. 84.) On August 1, 2014, Defendants filed an Amended Motion for Leave to File Under Seal, reflecting the resolution of the items that the parties could not agree on by the time of the filing of the original motion. (ECF No. 96.) The Court granted the Amended Motion on August 4 (and denied the original motion as moot). (ECF No. 98.)

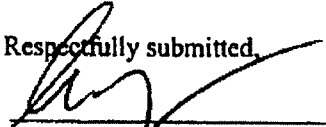
4. On August 1, 2014, the Court issued the Second Amended Order And Stipulation Concerning The Filing Of Summary Judgment And *Daubert* Motions, ordering the parties to file a motion to seal relating to the opposition and reply briefs and exhibits thereto, by August 15, 2014. (ECF No. 95.)

5. The parties have been conferring on proposed redactions to the Oppositions and exhibits, the Replies and exhibits, and certain documents attached to the Defendants' original Summary Judgment and *Daubert* motions ("Outstanding Motion Documents"). As a result of the volume of materials and the parties' efforts to narrow the disputes, however, the parties anticipate being unable to complete the meet-and-confer process and submit to the Court a motion to seal, along with proposed redactions, by August 15, 2014.

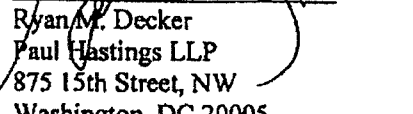
6. The parties therefore jointly request a one-week extension to submit a motion to seal until August 22, 2014.

Dated: August 14, 2014

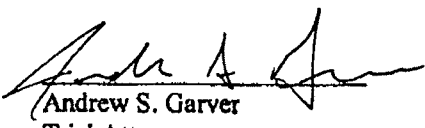
Respectfully submitted,



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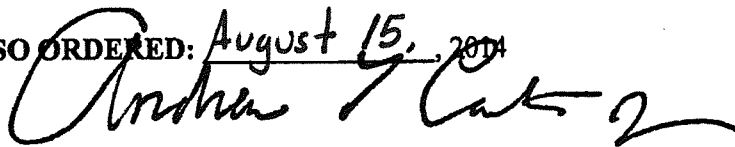
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SO ORDERED: August 15, 2014

A handwritten signature in black ink, appearing to read "Andrew L. Carter", written over a horizontal line.

HONORABLE ANDREW L. CARTER  
UNITED STATES DISTRICT JUDGE

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